



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF OPTOMETRISTS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

PETER C. HARVEY
Attorney General
RENI ERDOS
Director

May 14, 2004

By Certified and Regular Mail

Douglas Lee, O.D.
1734 Lincoln Highway
Edison, New Jersey 08817

Mailing Address:
P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Lee:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning the complaint filed on behalf of Ji Hyun Park regarding the eye examination and contact lens fitting that you provided this patient.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(e) in that you knowingly provided a patient with an expired contact lens which constitutes professional misconduct. Your letter dated March 18, 2004 to the Board indicates that you offered this patient's representative three options to replace a torn sample contact lens.

"1. You informed the patient's representative that he could wait until the One Day Acuvue samples came in, which was the next day, 2. if the samples originally provided were given last were fine, then he can buy a box of 2 week Acuvue lenses (not samples) which we had at the time, or 3. take a sample Surevue lens (at no charge of course) which was similar to the 2 week Acuvue lens but was expired."

You also offered to provide the patient with her patient record so that she could go elsewhere and be fitted when she called and requested a full refund. The Board is troubled with your providing the patient with an expired lens and your offer to sell the two boxes of the 2 week Acuvue lenses. Your offer to sell the particular contact lenses implies that the fit was complete and therefore you should have provided the patient with a prescription.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:


1. cease and desist from issuing expired contact lenses in the future;
2. the issuance of a formal reprimand for violation of N.J.S.A. 45:1-21(e).
3. pay a penalty in the amount of \$250.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter)
4. reimburse to Ms. Ji Hyuan Park the sum of \$99.00 constituting a full refund

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.


In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez , who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD

By: 
Susan Gartland
Executive Director

ACKNOWLEDGMENT: I, Douglas Lee, O.D. hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$250.00 (to be paid upon signing of this acknowledgment and to reimburse to the patient the sum of \$99.00).


Douglas Lee, O.D.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General